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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/791,836	03/04/2004	Akihiko Sato	03500.017939	3861
5514	7590	09/22/2005		
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			EXAMINER CHEN, SOPHIA S	
			ART UNIT	PAPER NUMBER
			2852	

DATE MAILED: 09/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/791,836

Applicant(s)

SATO ET AL.

Examiner

Sophia S. Chen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1 and 10 is/are rejected:
- 7) ☒ Claim(s) 2-9 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. ____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3/4/04 & 10/25/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: Y (page 8, line 22), X (page 8, line 24), and 207 (page 15, line 2, etc.). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.
2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 297 (Figure 1) and S513 (Figure 5). Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the

immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.
4. The abstract of the disclosure is objected to because it exceeds 150 words. Correction is required. See MPEP § 608.01(b).
5. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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7. Claims 1 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Fuchiwaki et al. (US Pat. No. 6,263,174 B1)

The patent discloses an image forming apparatus, comprising: a photosensitive member 11, an intermediate transfer material (belt) 20, a first transfer device 18 which transfers on the intermediate transfer material 20 an image formed on the photosensitive member 11 (column 8, lines 1-6), a second transfer device 40 which transfers on a sheet the image formed on the intermediate transfer material 20 (column 8, lines 7-16), a feed device 50 which feeds the sheet to the second transfer device 40 (column 8, lines 23-31 and Figure 3), a refeed device 60 which refeeds the sheet, on which the image is transferred by the second transfer device 40, to the second transfer device 40 with reversing the sheet (column 8, lines 34-38 and Figure 3), and a controller 100 which executes selectively a first mode, in which one image is formed on one round of the intermediate transfer material 20, and a second mode in which two images are formed on one round of the intermediate transfer material 20, wherein the controller 100 makes an image, which should be formed on a sheet refeed by the refeed device 60, formed on a first half area D-1(Y), D-1(M), etc. on one round of the intermediate transfer material 20, and makes an image, which should be formed on a sheet fed by the feed device 50, on a second half area S-2(Y), S-2(M), etc. on one round of the intermediate transfer material 20 in a case of executing the second mode when performing image formation on both sides of a sheet (column 13, lines 37-50 and Figures 12-14), and wherein the controller 100 executes the first mode before returning to the second mode

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after executing the first mode instead of executing the second mode when performing image formation on both sides of the sheet (Figure 12).

The patent further discloses a plurality of developers 141 through 144 each of which forms an image on the photosensitive member 11 (column 7, lines 38-44); a shift device 14 which moves any one of the plurality of developers 141 through 144 near the photosensitive member 11, wherein when forming a full color image on a sheet, the controller 100 controls the shift device 14 so as to move the plurality of developers 141 through 144 near the photosensitive member 11 by turns, causes an image on the photosensitive member 11, which is formed by one developer, to be transferred by the first transfer device 18 to the intermediate transfer material 20, and controls the second transfer device 40 so that an image formed by the plurality of developers 141 through 144 is transferred on the intermediate transfer material 20, and thereafter, the image on the intermediate transfer material 20 may be transferred to a sheet (Figures 3 and 5).

Allowable Subject Matter

8. Claims 2-9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Other Prior Art

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Staudenmayer et al. (US Pat. No. 5,835,831) discloses an image forming apparatus comprising a photosensitive member, an intermediate transfer member, and the apparatus being capable of producing duplex copies.

Fuchiwaki et al. (US Pat. No. 6,222,606 B1) discloses an image forming apparatus comprising a photosensitive member, an intermediate transfer member, and a controller.

Takagi (JP 2001-154440 A) discloses an image forming apparatus comprising a photosensitive member, an intermediate transfer member, and the apparatus being capable of producing duplex copies.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sophia S. Chen whose telephone number is (571) 272-2133. The examiner can normally be reached on M-F (7:00-3:00) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Arthur Grimley can be reached on (571) 272-2136. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Sophia S. Chen
Primary Examiner
Art Unit 2852

Ssc
September 20, 2005